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DATE FILED: 12/27/07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Index#: 07 CIV 9373 (RMB)

ROMAN PRODUCE, INC.,

Plaintiff,

- against -

MY PRODUCE INC. and YOUNG KIM,

Defendant.

**ORDER TO SHOW CAUSE
FOR JUDGMENT ON
DEFAULT BASED UPON
DEFENDANT'S FAILURE
TO ANSWER COMPLAINT**

-----X

This matter is before the Court upon the application by plaintiff Roman Produce Inc. for a default judgment, pursuant to Rule 55 of the Federal Rules of Civil Procedure, based upon defendants My Produce Inc. and Young Kim's failure to answer or otherwise respond to the Summons and Complaint, served upon both defendants on October 22, 2007 by personal service in accordance with New York State Law.

In this case, it appears from the Complaint heretofore served and filed in this action and certification made in lieu of affidavit of plaintiff's agent for collection of accounts receivables, Lee Pakulsky, dated December 16, 2007, that, plaintiff is a produce creditor of defendant in accordance with Section 5(c) of the Perishable Agricultural Commodities Act (PACA), 7 U.S.C. §499, and, that plaintiff has not been paid the principal amount of nine thousand, six hundred and 00/100 dollars (\$9,600.00) due and owing by defendant for wholesale quantities of perishable agricultural commodities, including but not limited to produce, fruit and vegetables ("Produce") heretofore supplied by plaintiff to defendant, as required by PACA.

It also appears that defendant failed to timely answer or otherwise move in response to plaintiff's Complaint, which together with a Summons had been properly served upon defendant by personal service on October 22, 2007, in accordance with New York State Law.

Therefore, it is by the United States District Court for the Southern District of New York;

at a conference
ORDERED that the above-named defendant show cause before the Hon. Richard M. Berman presiding at the United States Courthouse 500 Pearl Street, Courtroom 21-D, New York, NY on

AT 12:00 P.M.

✓ JANUARY 28,

2008 in the _____ that day, _____

~~thereafter as counsel, or if unrepresented by counsel, parties may be heard, why an order~~
should not issue pursuant to the Federal Rules of Civil Procedure 55 granting judgment on
default based upon defendants' failure to answer or otherwise respond to the Complaint in this
action; and it is further,

✓ **ORDERED** that service of a copy of this order and the papers upon which it is based be
served, by PERSONAL SERVICE, upon the defendants My Produce Inc.

✓ and Young Kim at the Hunts Point Terminal Market, 265 Row B, Bronx, New York, on or before

✓ JANUARY 7, 2008 shall be deemed good and sufficient
service. Opposition papers shall be filed with the Court (with a courtesy copy for Chambers)

✓ and served upon plaintiff's attorney, Andrew Squire, 379 Decatur Street, Brooklyn, NY, 11233,
by 1st class mail with certificate of mailing by no later than JANUARY 14, 2008.

✓ So ordered:

DATED: New York, NY
December 27, 2007

Richard M. Berman

~~Grand Jury, USDC~~

Richard M. Berman, USDS